

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DON KING PRODUCTIONS, INC.,
Plaintiff,

CIVIL NO. 05-1671 (DRD)

v.

**SANTIAGO SANTOS, HIS WIFE JANE DOE,
AND THE CONJUGAL PARTNERSHIP
BETWEEN THEM, D/B/A "HOTEL MOLINOS
INNS", et als.,**
Defendants.

MOTION	RULING
<p>Date Filed: 09/28/05 <input checked="" type="checkbox"/> Plff <input type="checkbox"/> Deft <input type="checkbox"/> Other</p> <p>Title: NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE AGAINST DEFENDANTS MANUEL GALARZA, JANE DOE DE GALARZA AND THE CONJUGAL PARTNERSHIP BETWEEN THEM D/B/A DON PACO AFTER HOURS</p> <p>DOCKET NO. 8</p>	<p>GRANTED. Plaintiffs in the instant case filed a notice of voluntary dismissal. They request the Court dismissed the herein claim without prejudice. Understanding that Fed.R.Civ.P. 41(a)(1) authorizes plaintiffs to request a voluntary dismissal by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment, and that co-defendants herein have done neither, the Court hereby GRANTS plaintiffs' request and DISMISSES WITHOUT PREJUDICE all claims against co-defendants Manuel Galarza, his wife, and the Conjugal Partnership between them d/b/a "Don Paco After Hours".¹</p>

Date: September 28, 2005

S/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

¹The Court will refrain from issuing a partial judgment at this time. The First Circuit strongly disfavors partial judgments as they foster piecemeal appeals. See Nichols v. Cadle Co., 101 F.3d 1448, 1449 (1st Cir. 1996) ("piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly."); Zayas-Green v. Casaine, 906 F.2d 18, 21 (1st Cir. 1990) ("This final judgment rule . . . furthers 'the strong congressional policy against piecemeal review.'" Id. (quoting In re Continental Investment Corp., 637 F.2d 1, 3 (1st Cir. 1980)); Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority, 888 F.2d 180, 183 (1st Cir. 1989); Consolidated Rail Corp v. Fore River Ry. Co., 861 F.2d 322, 325 (1st Cir. 1988); Spiegel v. Trustees of Tufts Coll., 843 F.2d 38, 43 (1st Cir. 1988); Santa Maria v. Owens-Ill., Inc., 808 F.2d 848, 854 (1st Cir. 1986)); see also United States v. Nixon, 418 U.S. 683, 690 (1974).